IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12739 of 2005

Between:

Nutalapati Ramanadham S/o. Iamme,
R/o. Minarpalli Vg., Bodhan (M), Nizamabad District.

..... PETITIONER

AND

1 The District Collector, Nizamabad,
2 The Revenue Divisional Officer, Bodhan, Nizamabad DIstrict.
3 The Mandal Revenue Officer, Bodhan Mandal, Nizamabad District.
4 The Panchayat Secretary, Gram Panchayat Sangam, Bodhan Mandal,

Nizamabad District.
5 Kalluri Gopal Reddy S/o. Saya Reddy,

C/o Sangam village, Bodhan (M), Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Mandamus directing respondents 1 to 3 herein to cause an enquiry under the provisions of A.P. Water, Land and Trees Act 2002 R/w A.P. Water Land and Trees Rules, 2002 on the representations dt. 9-5-2005 and 6-6-2005 filed by the petitioner before the respondents 1 & 2 herein aggrieved by the action of the 5th Respondent with regard to digging of 3 bore-walls in Shikkam Land adjacent to the land of petitioner and and drawing of water indiscriminately contrary to the provisions of A.P. Water, Land and Trees Act, 2002 and the Rules made thereunder within 2 weeks from the date of receipt of the copy of the order by duly declaring the inaction on the part of the respondents 1 to 3 herein in not taking any steps in response to the representations dt. 9-5-2005 and 6-6-2005 filed by the petitioner as illegal, arbitrary and contrary to the provisions of A.P. Water, Land and Trees Act, 2002 R/w A.P. Water, Land and Trees Rules, 2002

and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner:MR.V.RAVI KIRAN RAO

Counsel for the Respondents No.1 to 3: GP FOR REVENUE

Counsel for Respondent NO.4 : Sri R. Prem Sagar

The Court at the stage of admission made the following ORDER:

The petitioner claims to have been in possession and enjoyment of the land in an extent of Ac 2.21 guntas in Sy.No.62/AA situated at Sangam Shivar village, Bodhan mandal, Nizamabad district. The case of the petitioner is that he dug a bore well in the said land and drawing water to cater the needs of the same. It is alleged that the fifth respondent dug three bore wells in shikkam land, without obtaining any permission from the revenue authorities and drawing water. The petitioner is said to have submitted representations, dated 09.05.2005 and 06.06.2005, to the first respondent seeking necessary action against the fifth respondent. So far, no action has been taken. Hence, the petitioner filed this writ petition seeking directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The limited grievance of the petitioner is that the representations, dated 09.05.2005 and 06.06.2005, submitted by him to the first respondent, to take necessary action against the fifth respondent for his alleged act of digging three bore wells without obtaining permission from the authorities concerned, were unattended to.

As per the provisions of the A.P. Water, Land and Trees Act, 2002 (for short ‘the Act’) and the Rules made there under, the person, who wants to dig a bore well has to obtain necessary permission from the authority prescribed under the said Act i.e. the Mandal Revenue Officer. When the unauthorized digging of the bore well by the fifth respondent is brought to the notice of the Mandal Revenue Officer, he is under obligation to act on the same and take necessary action.

In view of the above, the writ petition is disposed of at the stage of admission directing respondents 1 to 4 to take appropriate action on the representations, dated 09.05.2005 and 06.06.2005, submitted by the petitioner, in accordance

with the provisions of the Act, within four weeks from today. There shall be no order as to costs.

16.06.2005

Note:

Issue CC in three days.

(BO)

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To

1 The District Collector, Nizamabad,
2 The Revenue Divisional Officer, Bodhan, Nizamabad DIstrict.
3 The Mandal Revenue Officer, Bodhan Mandal, Nizamabad District.
4 The Panchayat Secretary, Gram Panchayat Sangam, Bodhan Mandal,

Nizamabad District.
5 Two CCs. to the G.P. for Revenue, High Court of A.P., Hyderabad

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